<center>**REMARKS/ARGUMENTS**</center>

Claims 1-24 are pending in the present application. Claims 1, 9, 15, 21 and 23 have been amended, and Claim 22 has been cancelled, herewith. Reconsideration of the claims is respectfully requested.

I.   35 U.S.C. § 103, Obviousness

Claims 1, 3, 5-9, 11, 13-15, 17 and 19-23 stand rejected under 35 U.S.C. § 103 as being unpatentable over IBM Technical Disclosure Bulletin NNRD455178, published March 2002, hereinafter "IBM" and Goldstein et al. (U.S. Publication No. 2003/0221167), hereinafter "Goldstein". This rejection is respectfully traversed.

With respect to Claim 1, Applicant has amended such claim to include the features previously recited in Claim 22 (which is thus being cancelled herewith, without prejudice or disclaimer). As amended, Claim 1 recites "displaying, in response to receiving an initial user input indicating that the new document is to be displayed, a menu of commands associated with opening the new document including: (i) a current browser window command, (ii) a new browser window command, and (iii) a selected browser window command".

In rejecting Claim 22 (whose features are now a part of amended Claim 1), the Examiner states that all aspects of such claim are described by IBM 1st paragraph (menu of commands) and Goldstein Figure 8 and paragraph 96 (user input selection). Applicant urges that the 1st paragraph of IBM describes that 'clicking on a link' will cause the link to open in a 'new' window *if the HTML specifies that behavior*. This description of clicking on a link to open a new document does not describe any type of 'menu of commands' associated with opening a new document, and therefore this cited passage does not teach or suggest "displaying, in response to receiving an initial user input indicating that the new document is to be displayed, a **menu of** *commands* associated with opening the new document including: (i) a current browser window command, (ii) a new browser window command, and (iii) a selected browser window command" (emphasis added by Applicant).

In addition, IBM provides a strong motivation and desire to instead allow a user to drag/drop a link to web content onto an ICON that represents a browser window when opening a

link, and therefore would have no need or desire for a 'menu of commands', as claimed. Thus, it is urged that Claim 1 is not obvious in view of the cited references.

Applicant initially traverses the rejection of Claims 3 and 5-8 for reasons given above with respect to Claim 1 (of which Claims 3 and 5-8 depend upon).

Further with respect to Claim 5 (and similarly for Claims 13 and 19), such claim recites "wherein the list of currently active browser windows, including the indication of the presently displayed document in each respective browser window in the list of browser windows, is a list of all currently active browser windows". As can be seen, Claim 5 is directed to further characteristics of the 'list of currently active browser windows', where such list is a list of _all currently active_ browser windows.

The Examiner alleges that the 2nd paragraph of IBM teaches all aspects of Claim 5 since there it describes 'The browser is designed to have one or more ICON's each representing a browser window'. Applicant urges that these IBM ICONs are not a list of _all currently active_ browser windows because IBM states that the browser will open a new window browser window if this is a first operation (IBM 2nd paragraph, lines 16-20) – and therefore such ICONs do not represent a currently active browser window (since it has to be newly opened). Quite simply, the IBM ICONs do not provide any type of currently active status indication, and thus these ICONs do not teach or suggest "wherein the list of currently active browser windows, including the indication of the presently displayed document in each respective browser window in the list of browser windows, is a list of _all currently active browser windows_" (emphasis added), as claimed. Thus, it is urged that Claim 5 (and similarly for Claims 13 and 19) has been erroneously rejected under 35 U.S.C. § 103 due to this prima facie obviousness deficiency. [1]

Applicant traverses the rejection of Claims 9, 11, 13-15, 17 and 19-23 for similar reasons to those given above with respect to Claim 1.

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[1] In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. _In re Oetiker_, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. _Id._ All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP 2143.03; _In re Wilson_, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). **If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned.** _In re Fine_, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In the absence of a proper _prima facie_ case of obviousness, an applicant who complies with the other statutory requirements is entitled to a patent. _See In re Oetiker_, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

Therefore, the rejection of Claims 1, 3, 5-9, 11, 13-15, 17 and 19-23 under 35 U.S.C. § 103 has been overcome.

II.   35 U.S.C. § 103, Obviousness

Claims 2, 10 and 16 stand rejected under 35 U.S.C. § 103 as being unpatentable over IBM, Goldstein and Soper et al. (U.S. Publication No. 2004/0085293), hereinafter "Soper". This rejection is respectfully traversed.

Applicant traverses the rejection of Claim 2 (and similarly for Claims 10 and 16) for similar reasons to those given above with respect to Claim 1 (of which Claim 2 depends upon), as the newly cited reference to Soper does not overcome the teaching/suggestion deficiencies identified hereinabove with respect to such claim.

Therefore, the rejection of Claims 2, 10 and 16 under 35 U.S.C. § 103 has been overcome.

III.   35 U.S.C. § 103, Obviousness

Claim 24 stands rejected under 35 U.S.C. § 103 as being unpatentable over IBM, Goldstein, Soper and Wishoff (U.S. Publication No. 2002/0051017), hereinafter "Wishoff". This rejection is respectfully traversed.

Applicant traverses the rejection of Claim 24 for similar reasons to those given above with respect to Claim 1, as the newly cited references to Soper and Wishoff do not overcome the teaching/suggestion deficiencies identified hereinabove with respect to such claim.

Therefore, the rejection of Claim 24 under 35 U.S.C. § 103 has been overcome.

IV.   35 U.S.C. § 103, Obviousness

Claims 4, 12 and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over IBM, Goldstein and Ludolph et al. (U.S. Patent No. 6,133,898), hereinafter "Ludolph". This rejection is respectfully traversed.

Applicant traverses the rejection of Claim 4 (and similarly for Claims 12 and 18) for similar reasons to those given above with respect to Claim 1, as the newly cited reference to Ludolph does not overcome the teaching/suggestion deficiencies identified hereinabove with respect to such claim.

Therefore, the rejection of Claims 4, 12 and 18 under 35 U.S.C. § 103 has been overcome.

V.   Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: <u>February 8, 2010</u>

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Respectfully submitted,

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